

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA,) CASE NO. 4:14-CR-023-A
Government,)
VERSUS) FORT WORTH, TEXAS
CHRISTOPHER ROBERT WEAST,)
Defendant.) FEBRUARY 21, 2014
3:43 P.M.

VOLUME 1 OF 1
TRANSCRIPT OF DIGITALLY RECORDED
INITIAL APPEARANCE AND ARRAIGNMENT
BEFORE THE HONORABLE JEFFREY CURETON
UNITED STATES MAGISTRATE COURT JUDGE

A P P E A R A N C E S:

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Proceedings recorded by digital recording, transcript
produced by computer.

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P R O C E E D I N G S

February 21, 2014 - 3:37 p.m.

(Digital recording commencing at 3:37 p.m.)

COURT SECURITY OFFICER: All rise.

THE COURT: Thank you. Please be seated.

The Court calls for initial appearance, United States versus John Fowler.

Is that you, sir? Thank you.

United States versus Christopher Robert Weast.

DEFENDANT WEAST: Yes, sir.

THE COURT: United States versus Russell Dale Smith.

DEFENDANT SMITH: Here, Your Honor.

THE COURT: Thank you.

And United States versus L.T. Etchison, Jr.

DEFENDANT ETCHISON: Yes, sir.

THE COURT: All right. The purpose of each of your hearings today is to make sure that you understand your rights and that you understand the nature of the charges that have been brought against you.

I first inform you that you have the following constitutional rights:

You have the right to remain silent and not make any statement at all.

You're not required to make any statement concerning a charge against you, and if you have made a statement, you're

1 not required to say more. If you decide to make a statement,
2 you may stop at any time, but keep in mind that any statement
3 you make may be used against you.

4 You also have the right to have an attorney at all
5 stages of the proceedings, and if you cannot afford an
6 attorney, I will appoint an attorney for you.

7 And then, finally, I inform you, if you're not a
8 citizen of the United States, then a law enforcement officer
9 or an attorney for the government will notify a consular
10 officer from your country of nationality and let them know
11 that you've been arrested, if you so request, or make any
12 other consular notification that may be required by a treaty
13 or an international agreement.

14 Let me begin with you, Mr. Fowler.

15 I have before me a financial affidavit submitted in
16 support of your request for an appointed attorney, and I need
17 to ask you questions about your affidavit.

18 Would you please stand and raise your right hand and
19 be sworn by my clerk.

20 *COURTROOM DEPUTY:* Do you solemnly swear or affirm
21 to tell the truth, the whole truth, and nothing but the truth,
22 so help you God?

23 *DEFENDANT FOWLER:* Yes, ma'am.

24 *THE COURT:* Thank you. You may be seated.

25 And Mr. Fowler, is it your signature that appears on

1 this affidavit?

2 *DEFENDANT FOWLER:* Yes, sir.

3 *THE COURT:* Under employment, both yes and no are
4 checked. What does that mean? Are you currently employed?

5 *DEFENDANT FOWLER:* Yes, sir. I'm currently employed
6 with Broken J Ranch, sir. That's a job that I -- like a
7 Godmother of mine that I take care of the ranch out there and
8 I get -- I get paid regardless. It's kind of like a family
9 thing.

10 *THE COURT:* What about with Yellow Jacket Energy?

11 *DEFENDANT FOWLER:* I've temporarily been laid off
12 because of -- due to my hand.

13 *THE COURT:* Okay.

14 *DEFENDANT FOWLER:* I got in a wreck, sir, and
15 fractured my hand, and there's just so much weight that I
16 can't put upon my wrist.

17 *THE COURT:* All right.

18 *DEFENDANT FOWLER:* But I will be going back to work
19 there, sir, within this month.

20 *THE COURT:* Okay. I understand what you were
21 telling me now.

22 So, is the information contained in this affidavit
23 true and correct?

24 *DEFENDANT FOWLER:* Sir, yes, sir.

25 *THE COURT:* I'm going to make a note on here,

1 explained in court, regarding that --

2 *DEFENDANT FOWLER:* Yes, sir.

3 *THE COURT:* -- obscurity, and it's in blue ink for
4 purposes of the record, and I'll put my initials under that.

5 And then I do find that you are entitled to have
6 court-appointed counsel.

7 Is there any reason why the public defender would be
8 disqualified?

9 *MR. BRADFORD:* Not from the government, Your Honor.

10 *MR. FLEURY:* No, Your Honor.

11 *THE COURT:* All right. I'm signing the order,
12 Mr. Fowler, appointing the federal public defender to
13 represent you.

14 I'll note that Mr. Peter Fleury is present from that
15 office to provide that service today.

16 Mr. Fleury, have you had a chance to review the
17 criminal complaint with your client?

18 *MR. FLEURY:* Just very briefly, but he has read it,
19 and he understands what he's charged with, and we would waive
20 the reading of it.

21 *THE COURT:* Thank you, sir.

22 In this case the government has filed a motion for
23 pretrial detention asking that you be detained while this case
24 is pending, and pending a preliminary and detention hearing.
25 They have asked for a brief continuance for that motion to be

1 heard, and, therefore, I'm scheduling a preliminary and
2 detention hearing in this matter for Wednesday, February 26th,
3 at 11:00 a.m. That will be a hearing before me in this
4 courtroom on that date and time.

5 However, pending that hearing, Mr. Fowler, it's
6 appropriate that you remain in the custody of the United
7 States Marshal.

8 *DEFENDANT FOWLER:* Yes, sir.

9 *THE COURT:* Any other matters to consider in
10 connection with Mr. Fowler at this time?

11 *MR. FLEURY:* No, Your Honor.

12 *THE COURT:* Very well. Then Mr. Fowler is remanded
13 to the custody of the United States Marshal pending further
14 proceedings, and the attorneys are excused to the extent they
15 don't have further business before the Court.

16 *(Pause in Proceedings)*

17 *THE COURT:* Mr. Weast?

18 *DEFENDANT WEAST:* Yes, sir.

19 *THE COURT:* Keeping in mind the admonishments I gave
20 at the beginning of the hearing, I need to ask you some
21 questions about your financial affidavit submitted in support
22 of your request for an attorney.

23 *DEFENDANT WEAST:* Yes, sir.

24 *THE COURT:* So would you please stand and raise your
25 right hand and be sworn by my clerk.

1 *COURTROOM DEPUTY:* Do you solemnly swear or affirm
2 to tell the truth, the whole truth, and nothing but the truth,
3 so help you God?

4 *DEFENDANT WEAST:* Yes, ma'am.

5 *THE COURT:* Thank you. You may be seated, sir.

6 Mr. Weast, is it your signature that appears at the
7 bottom of the financial affidavit?

8 *DEFENDANT WEAST:* Yes, sir.

9 *THE COURT:* Is the information contained in the
10 affidavit true and correct?

11 *DEFENDANT WEAST:* Yes, sir.

12 *THE COURT:* I find that you are entitled to have
13 court-appointed counsel.

14 Would there be any reason why the public defender
15 would be disqualified?

16 *MS. SALEEM:* Government knows of no reason, Your
17 Honor.

18 *MR. FLEURY:* No, Your Honor.

19 *THE COURT:* All right. I'm signing the order
20 appointing the federal public defender to represent you,
21 Mr. Weast.

22 And, again, I'll note Mr. Fleury is present from
23 that office to provide that service.

24 And Mr. Fleury, have you and Mr. Weast been able to
25 look over the indictment?

1 MR. FLEURY: He has with the other attorney in the
2 office, I think Ms. Saad, and he understands what he's charged
3 with, and he will waive the reading.

4 THE COURT: All right. Also in this case the
5 government has filed a motion asking that you be detained
6 during the pendency of the case and pending a detention
7 hearing. They have asked for a brief continuance for that
8 motion to be heard, so I'm scheduling your detention hearing
9 for Wednesday, February 26, 2014, at 10:30 a.m.

10 DEFENDANT WEAST: Yes, sir.

11 THE COURT: So that will be a hearing before me in
12 this courtroom at that time, Mr. Weast. But, however, pending
13 that hearing, it's appropriate that you remain in the custody
14 of the United States Marshal.

15 I understand that we are also ready to proceed with
16 arraignment in this matter.

17 Are both sides ready? Is the government ready?

18 MS. SALEEM: Government's ready, Your Honor.

19 THE COURT: Is the defense?

20 MR. FLEURY: May I have one moment, Your Honor?

21 THE COURT: You may.

22 (Pause in proceedings)

23 MR. FLEURY: We're ready, Your Honor.

24 THE COURT: All right. The Court calls for
25 arraignment United States versus Christopher Robert Weast.

1 And Mr. Weast, I'll remind you, you're still under
2 oath. I just have a few questions for you.

3 Would you begin by stating your full name for the
4 record.

5 *DEFENDANT WEAST:* Chris -- Chris Robert Weast,
6 Christopher Robert Weast.

7 *THE COURT:* All right, sir. And how old are you?

8 *DEFENDANT WEAST:* 40.

9 *THE COURT:* How far did you go in school?

10 *DEFENDANT WEAST:* Eleventh.

11 *THE COURT:* Are you currently or have you recently
12 been under the care of a physician or a psychiatrist?

13 *DEFENDANT WEAST:* The only physician I'm being cared
14 for is the dentist.

15 *THE COURT:* All right. Is there anything about the
16 care or treatment that you've received in that regard that
17 would interfere with your ability to understand what we're
18 doing today?

19 *DEFENDANT WEAST:* Not at this point because that
20 medicine has wore off.

21 *THE COURT:* Okay. But you're understanding what
22 we're doing so far?

23 *DEFENDANT WEAST:* I mean, it -- I'm competent to.

24 *THE COURT:* Okay. And have you been able to
25 communicate with your attorney effectively?

1 *DEFENDANT WEAST:* Yes, the other attorney, but from
2 what I understand, she works for the same firm.

3 *THE COURT:* Yes. Have you been hospitalized or
4 treated for narcotics addiction or alcoholism?

5 *DEFENDANT WEAST:* No.

6 *THE COURT:* Are you now under the influence of
7 alcohol or any narcotic drug?

8 *DEFENDANT WEAST:* No.

9 *THE COURT:* You said it wore off, the medication?

10 *DEFENDANT WEAST:* Yeah, I'm pretty sure it's worn
11 off by now.

12 *THE COURT:* Okay. But that was a prescription from
13 your --

14 *DEFENDANT WEAST:* Yeah, it's a prescription from my
15 dentist.

16 *THE COURT:* You're appearing here with counsel from
17 the public defender's office, and I presume you have had an
18 opportunity to review the indictment that's been returned
19 against you by the grand jury --

20 *DEFENDANT WEAST:* Yeah, that --

21 *THE COURT:* -- is that true?

22 *DEFENDANT WEAST:* Yes, sir.

23 *THE COURT:* And you understand the nature of the
24 charges against you?

25 *DEFENDANT WEAST:* Yes, sir.

1 *THE COURT:* Because you understand the nature of the
2 charges, I will allow you to waive the reading of your
3 indictment here in open court.

4 Do you wish to waive that reading?

5 *DEFENDANT WEAST:* Yes, sir.

6 *THE COURT:* Then I ask: How do you plead to the
7 charge against you in the indictment, guilty or not guilty?

8 *DEFENDANT WEAST:* Not guilty.

9 *THE COURT:* And because you've pled not guilty, you
10 are entitled to a jury trial in this district.

11 Your case is set for trial on April the 14th, 2014,
12 at 10:30 a.m. It's scheduled for a jury trial before the
13 Honorable Judge Terry R. Means.

14 Judge Means will issue a trial scheduling order,
15 which will set out that trial date and all important dates
16 leading up to trial. The attorneys will receive a copy of
17 that order, and your attorney will see that you receive a copy
18 as well.

19 Okay. Mr. Weast, as I indicated, you're currently
20 in the custody of the United States Marshal, and it's
21 appropriate you remain in that custody pending our hearing
22 next week or further proceedings in the case.

23 Are there any other matters to consider in
24 connection with Mr. Weast at this time?

25 *MS. SALEEM:* None from the government.

1 MR. FLEURY: I'm sorry, Your Honor. I might have
2 written it down wrong. The trial date was?

3 THE COURT: April 14 at 10:30 a.m.

4 MR. FLEURY: It just looked funny seeing 4-14-14.

5 THE COURT: Very well. There being nothing further,
6 the defendant's remanded to the custody of the United States
7 Marshal pending further proceedings.

8 The attorneys are excused to the extent they don't
9 have further business before the Court.

10 DEFENDANT WEAST: What time?

11 THE COURT: Have a good weekend.

12 MR. FLEURY: It's Wednesday at 10:30.

13 DEFENDANT WEAST: Wednesday at 10:30.

14 MR. FLEURY: Yes.

15 (Digital recording stopped in Weast at 3:47 p.m.)

16 (Proceedings held in other cases, not requested)

17 (End of proceedings)

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TRANSCRIBER'S CERTIFICATE

I, Debra G. Saenz, CSR, RMR, CRR, certify that the foregoing is a true and correct transcript to the best of my ability from the digital record of proceedings in the foregoing entitled matter.

I further certify that the transcript fees format comply with those prescribed by the Court and the Judicial Conference of the United States.

Signed this 11th day of July, 2014.

/s/ Debra G. Saenz

DEBRA G. SAENZ, CSR, RMR, CRR
Texas CSR No. 3158
Official Court Reporter
The Northern District of Texas
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CSR Expires: 12/31/15

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